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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,985	07/02/2003	Christopher Tzann-en Szeto	YHOOP006	4361
29989	7590	07/28/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,985	TZANN-EN SZETO, CHRISTOPHER	
	Examiner Jeffrey C. Pwu	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/15/05, 3/21/05, 11/22/04, 10/26/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dodrill et al. (U.S. 6,807,565).

Dodrill et al. teaches claims:

1. A method for controlling an application in an instant messaging environment comprising:

selecting, at a first client (18), the application in the instant messaging environment; (col.5, line 65-col.6, line 20)

configuring an instant messaging control message for the application, including an identifier related to the application selected at the first client; (86, 82)

sending the instant messaging control message to a second client (18'); and executing the application in the instant messaging environment using the control message to retrieve the application from a server. (66)

2. A method as recited in claim 1 further including displaying the results of

executing the application in the instant messaging environment in an instant messaging window. (col.4, lines 17-37)

3. A method as recited in claim 1 further including playing the results of executing the application in the instant messaging environment in a player. (see abstract)
4. A method as recited in claim 1 further including viewing the results of executing the application in the instant messaging environment in a viewer. (col.4, lines 17-37)
5. A method as recited in claim 1 further including arbitrating data received from a third client based on executing the application in the instant messaging environment. (see abstract; "An application server receives an HTTP request for execution of an instant messaging application operation for a sending party. A selected extensible markup language (XML) document is accessed in response to reception of the HTML request. A first HTML page is generated based on the XML document for recording a voice message by the sending party.")
6. A method as recited in claim 1 wherein selecting, at a first client, the application in the instant messaging environment further includes selecting the application from a list of instant messaging applications. (86)
7. A method as recited in claim 1 further including simultaneously sharing interaction with the application between the first client and the second client. (col.5, line

26-col.6, line 53)

8. A method for controlling an application in an instant messaging environment comprising:

selecting a control feature in the instant messaging environment; (66)

configuring a control message based on selecting the control feature; (col.5, lines 26-col.6, line 19)

sending the control message from a first instant messaging client to a second instant messaging client (18); and

implementing the control feature in the instant messaging environment. (86)

9. A method as recited in claim 8 further including: evaluating the application in an instant messaging environment; and determining a supporting application for executing the application in an instant messaging environment. (86)

10. A method as recited in claim 8 further including displaying the results of executing the application to two or more instant messaging users in a simultaneous manner. (56)

11. A system for controlling an instant messaging application comprising:

an environment providing an instant messaging medium and for executing the instant messaging application; and (86, fig.2)

a message including an instruction set for executing the instant messaging application in the environment. (86, fig.2)

12. A system as recited in claim 11 further including an interface for configuring the environment and the message. (18, 18')

13. A system as recited in claim 11 further including a window for displaying a result of executing the instant messaging application. (42a, 42b, 18)

14. A system as recited in claim 11 wherein the instant messaging application includes a video file. (col.5, line 66-; "FIG. 2 is a diagram illustrating in further detail the instant messaging application executed by the voice application server 66 according to an embodiment of the present invention. As described above with respect to FIG. 1, the application server 66 receives via the web server 64 HTTP requests from either a PC-based web browser 42 capable of supporting full media content (e.g., audio, text, images, and streaming video)")

15. A system as recited in claim 11 wherein the instant messaging application includes an audio file. (col.6, lines 7-55)

16. A system as recited in claim 11 wherein the instant messaging application includes an instruction set for viewing data. (66, col.6, lines 7-55)

17. A system as recited in claim 11 wherein the instant messaging application includes an instruction set for using a supporting application to execute the instant messaging application. (col.6, line54-col.7, line 44)

18. A system as recited in claim 11 wherein the message further includes the instant messaging application and an instruction set for using a supporting application to execute the instant messaging application. (see fig.2, 86, 62, 66, and 82)

19. A system as recited in claim 11 wherein the message further includes the instant messaging application and a supporting application to execute the instant messaging application. (86, 62, 66, and 82)

20. A computer program product for controlling an application in an instant messaging environment, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

(claim 20 is similarly rejected as in claim 1)

selecting, at a first client, the application in the instant messaging environment; configuring an instant messaging control message for the application, including an identifier related to the application selected at the first client; sending the instant messaging control message to a second client in the instant messaging environment; and

executing the application in the instant messaging environment using the control message to retrieve the application from a server.

21. A computer program product for controlling an application in an instant messaging environment, the computer program product being embodied in a computer readable medium and comprising computer instructions for:

(claim 20 is similarly rejected as in claim 1)

selecting a control feature in the instant messaging environment; configuring a control message based on selecting the control feature;

sending the control message from a first instant messaging client to a second instant messaging client;

retrieving the application from a server based on the control message; and executing the application in an instant messaging environment.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



7/25/05

JEFFREY PWU
PRIMARY EXAMINER